

## ORDINANCE NO. 3513

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON RELATING TO LICENSING OF SOLICITORS, PEDDLERS AND STREET VENDORS; AMENDING SECTIONS 4.12.010, 4.12.020, 4.12.040, 4.12.055, AND 4.12.065 OF THE EDMONDS CITY CODE; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the City of Edmonds licenses and regulates solicitors, peddlers and street vendors through Chapter 4.12 of the Edmonds City Code; and

WHEREAS, the current code provisions do not apply to street vendors in unzoned right-of-way owned; and

WHEREAS, the licensing regulations need to be clarified to distinguish between solicitors/peddlers and street vendors; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 4.12.010 of the Edmonds City Code is hereby amended as follows:

### **4.12.010 Definitions.**

A. “Solicitor” or “Peddler” means ~~Any person who shall sell, offer for or expose for sale, or who shall trade, deal or traffic in any personal property at retail goods or services~~ in the city by going from house to house or from place to place or by indiscriminately approaching individuals;

B. 1. Sales by sample or for future delivery, and executory contracts of sale by solicitors or peddlers, are ~~embraced within the preceding subdivision~~ included; provided, however, that this section shall not be deemed applicable to any salesman or canvasser who solicits trade from wholesale or retail dealers in the city;

C. 2. Any person who, while selling or offering for sale any goods, ~~wares, merchandise~~ services or anything of value, stands in a doorway, any unenclosed vacant lot, parcel of land, or in any other place not used by such person as a permanent place of business, shall be deemed a solicitor or peddler within the meaning of this chapter, except as noted in subsection ~~D below~~; B of this section.

D. B. “Street vendor” means ~~Any person who shall sell food, flowers, and/or nonalcoholic beverages only, and/or other goods or services~~ from a nonmotorized mobile vending unit, in the

commercially-zoned areas of the city of Edmonds, including unzoned property or right of way adjacent to or abutting on commercially-zoned areas, shall be deemed a street vendor subject to the regulations contained in this chapter. The commercially-zoned areas are those zoned Neighborhood Business (BN), Community Business (BC), Planned Business (BP), Commercial Waterfront (CW); and General Commercial (CC. CG2).

C. "Mobile vending unit" means a cart, kiosk or other device capable of being pushed by one (1) person, with at least two (2) functional wheels and positive wheel locking devices.

Section 2. Section 4.12.020 the Edmonds City Code is hereby amended as follows:

**4.12.020 License required.**

- A. It shall be unlawful for any person to act as solicitor, peddler or street vendor within the meaning and application of this chapter unless that person or his/her employer shall have first secured a license in the manner provided in this chapter.
- ~~B.~~ 1. Any person who shall sell, deliver or peddle any dairy product, meat, poultry, eel, fish, mollusk, or shellfish must first obtain a license pursuant to this chapter.
- ~~C.~~ 2. No licenses shall be issued or maintained for the sale of poultry or poultry products or meat or meat products which are adulterated or distributed under unsanitary conditions.
- ~~D. No license shall be issued for the sale of any milk or milk product if the seller does not have a milk vendor's license as required by RCW 15.32.100.~~
- ~~E.~~ 3. No licenses shall be issued for the sale of shellfish unless the vendor can produce a certificate of compliance as required by RCW 69.30.020.

B. All persons acting as a solicitor, peddler or street vendor shall comply with all laws, ordinances and regulations, including all Snohomish County Health Department requirements.

Section 3. Section 4.12.040 of the Edmonds City Code shall be amended as follows:

**4.12.040 License application - Information required.**

A. Any person, firm or other organization desiring to secure solicitor's, peddler's or street vendor's license shall apply therefor in writing to the city clerk, on forms provided by the city, and such application shall set forth as to each solicitor, peddler or street vendor as the principal applicant as follows:

1. The name, address and telephone number of the principal applicant, firm or other organization;
2. In the event the name or address of the applicant has changed within the last two years, each name and address over the last two year period preceding the most recent;
3. The nature or character of the goods, wares, merchandise or services to be offered by each principal applicant;
4. A list of the persons originally contemplating solicitation, peddling or street vending within the city of Edmonds, and the information required in subsection B below as to each;

5. The name, address and telephone number (business and home) of the individual acting as manager of the principal applicant; ~~and~~
6. Written approval for the vending site from the abutting property owner and/or tenant in accordance with Section 4.12.055.L; and
- ~~6.~~ 7. Such other information as reasonably required by city officials.

B. For each person soliciting, peddling or street vending within the city of Edmonds pursuant to a principal applicant and license as required herein, whether acting as an employee, independent contractor, or otherwise, the following information shall be provided to the city clerk on forms provided by the city and shall set forth as to each such person the following:

1. His or her name, address and home telephone number;
2. The name, address and telephone number of the person, firm or other organization holding the principal license;
3. His or her age and general personal description as required by the city;
4. Any and all facts relating to any conviction of crimes as such information may be required by the city in the application form; and
5. Such other information as reasonably required by city officials.

C. The city clerk shall refer the application to the chief of police, who shall make a criminal history background investigation of the applicant. Upon completion, the chief of police shall forward the results of the investigation to the city clerk.

D. If, as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial as listed below, the city clerk shall, upon payment of the prescribed fee, issue the license to the applicant. The city clerk shall deny the applicant the license if the applicant has:

1. Committed any act consisting of fraud or misrepresentation;
2. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of a license;
3. Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to his or her fitness to engage in the occupation of peddler, solicitor or street vendor and including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
4. Been charged with a misdemeanor or felony of the type defined in the preceding subdivision (3) of this subsection, and disposition of that charge is still pending;
5. Been refused a license under the provisions of this chapter; provided, however, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; and
6. Made any false or misleading statements in the application.

E. Every peddler shall be required to carry the peddler's license and display it along with photo identification upon request by a prospective customer or law enforcement officer.

F. The city clerk is authorized to promulgate rules regarding the manner and method of payment, including a prohibition or regulation of payment by check, and the form of the application.

Section 4. Section 4.12.055 of the Edmonds City Code shall be amended as follows:

**4.12.055 Street vendor requirements.**

Any person seeking a permit for a street vendor license under the definition of this chapter shall comply with the following requirements:

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A. Prior to issuance of any street vendor permit, the applicant shall submit and receive approval by the architectural design board for the design of the mobile vending cart and any signage.

B. In addition to the licensing requirements of this chapter, any street vendor shall be required to obtain a street use permit.

C. All advertising shall be placed on the mobile vending unit and will not be allowed on the street or sidewalk. Maximum sign area allowed shall be 10 square feet.

D. The vending site shall be kept clean and orderly at all times, and the vendor must provide a refuse container. No portion of a vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the city, nor upon any public street or right-of-way without the issuance of a street use permit for a mobile vending unit issued pursuant to ECC 4.12.030(B) and (C).

E. The city reserves the right to limit the number of vending permit sites in any given area of the downtown. The ~~community development~~ services director shall determine the allowable number of street vendors and shall exercise this discretion based upon the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic and other similar considerations.

F. If located on a sidewalk, a minimum clearance of five feet shall be maintained by any street vendor.

G. ~~If a street vendor locates on a street, the operation shall be oriented to the pedestrians on the sidewalk and not to vehicular traffic, if such exposure would interfere with traffic flow.~~ Street vendors shall not locate within that portion of improved street right-of-way designed for vehicular traffic or parking. Street vendors seeking to locate in improved street right of way or on sidewalks shall be oriented toward pedestrian traffic movement or safety. Any application to locate a street vendor in street right-of-way shall require approval by the city traffic engineer and shall not interfere in any way with vehicular or pedestrian traffic or safety.

H. No mechanical audio or noise making devices, and no hawking is allowed. Hawking is the loud, repeated oral solicitation of business by the vendor or an assistant.

I. Street vendors are prohibited in parks and in residentially-zoned areas.

J. Street vendors are prohibited from occupying parking spaces on city property or in improved city right-of-way reserved for vehicular traffic, parking or other transportation.

~~J.~~ K. All street vendors shall comply with all applicable Snohomish County Health District requirements.

~~K.~~ L. The applicant shall submit with his application a copy of the written approval for the vending site from the abutting property owner and/or tenant. In the event that the property owner or tenant shall disagree, the property owner's decision shall be final.

1. In the event that the proposed site abuts property owned by the city of Edmonds, the applicant shall be required to obtain the city's approval. Approvals relating to park property shall be handled as a request to let a concession under the terms of these ordinances. Request for sites abutting all other public land owned by the city shall be forwarded to the city council for their review and approval.

2. In the event that the site for which approval is sought abuts vacant land, the applicant shall make reasonable written attempts to secure the approval of the property owner. If the applicant is unable to do so, the city may accept written proof of such attempts and issue a conditional permit. If a complaint is later received from the owner of the land, the license shall be revoked. The granting of such a conditional license shall vest no right in the applicant.

~~L.~~ M. The maximum permissible size for any mobile vending unit shall be:

1. 30 square feet for sidewalk locations; and

2. 50 square feet for locations within the street or other public right-of-way or when located on private property.

In no event shall any mobile vending unit exceed 10 feet in length.

Section 5. Section 4.12.065 of the Edmonds City Code shall be amended as follows:

**4.12.065 Soliciting and peddling ~~and street vending~~ restrictions.**

All licenses issued pursuant to this chapter shall be subject to the following time and location restrictions:

A. Fourth of July Fireworks Display. For the purpose of crowd and traffic control on the Fourth of July, all soliciting after 6:00 p.m. within one mile of the official fireworks display shall take place only within the confines of the fireworks viewing area as designated by the chief of police on the Civic Center playfield.

B. No peddler or solicitor shall engage or attempt to engage in the business of peddling at any home, residence, apartment complex or business that prominently displays a "No Peddlers" or "No Solicitors" sign or any other similar sign that communicates the occupants' desire to not be contacted by peddlers.

C. No peddler or solicitor shall engage in the business of peddling between the hours of 8:00 p.m. and 9:00 a.m.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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MAYOR, GARY HAAKENSEN

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK:	08/13/2004
PASSED BY THE CITY COUNCIL:	08/17/2004
PUBLISHED:	08/22/2004
EFFECTIVE DATE:	08/27/2004
ORDINANCE NO. <u>3513</u>	

## **SUMMARY OF ORDINANCE NO. 3513**

of the City of Edmonds, Washington

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On the 17<sup>th</sup> day of August, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3513. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON RELATING TO LICENSING OF SOLICITORS, PEDDLERS AND STREET VENDORS; AMENDING SECTIONS 4.12.010, 4.12.020, 4.12.040, 4.12.055, AND 4.12.065 OF THE EDMONDS CITY CODE; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 18<sup>th</sup> day of August, 2004.

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CITY CLERK, SANDRA S. CHASE